REMARKS

IDS Issues

The information disclosure statement filed 11 January 2005 was said to fail to comply with 37 CFR 1.98(a)(2) by not including a legible copy of each non-patent literature publication listed. Copies of the missing literature are included with this response. This submission replaces the IDS filed August 15, 2001; July 16, 2001; and August 10, 2001 that were apparently lost by the PTO, as reported by the Office Action mailed on June 4, 2004. Applicant responded to that Office Action by repeating the IDS's, but the most recent Office Action repeats that the copies of the references are needed, too, so they are supplied herewith.

112 Rejection

Claims 1-136 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the newly added limitation of "automatically" in the independent claims was not supported by the originally filed disclosure. The independent claims are now amended to call for a step to automatically reflect a modification in the source code. Disclosure of this step can be found as original in the present application in paragraphs [0013], [0014], [0015] and [0016]. Therefore, no new matter has been added by this amendment.

Art Rejections

Claims 1, 2, 9-11, 13-17; 18, 20, 23; 62, 70-72, 74-78; 79, 81, 82, 84; and 123-136 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hicks (USPN 6,654,954). Claims 3-4; 22; 24-33; 34-44; 45-51; 52-61; 64, 65; 83; 85-94; 95-105; 106-

112; 113-122, 129-135; and 136 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (USPN 6,654,954) in view of Timbol (USPN 6,237,135). Claims 5-7 and 66-68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (USPN 6,654,954) in view of Timbol (USPN 6,237,135) in further view of Mansurov et al. (USPN 6,346,945). Claims 8, 12, 19, 69, 73 and 80 stand rejected under 35 U.S.C. 103(a0 as being unpatentable over Hicks (USPN 6,654,954) in view of Foster (US Pub. 2002/0078071). Claim 11 is amended to correct a punctuation error.

ARGUMENTS

The patent to Hicks discloses retrieving and executing alternate code stored within a file in lieu of a primary program code stored within the same file. In contrast, the claims of the present invention as currently amended call for providing a software development tool that is operable by a user to automatically reflect a modification in the source code. This step of the present invention provides feedback to alert a software development tool user that a modification has been made in the source code. Hicks does not disclose providing a software development tool that is operable by a user to automatically reflect a modification in the source code. Nor is Hicks motivated to do so, because Hicks is only concerned with providing the appropriate native program code for a particular platform at the time of program execution. As such, the step of automatically reflecting a modification in a source code would not serve any purpose in the Hicks invention. Therefore, Hicks cannot properly be deemed as anticipating the claims of the present invention as currently amended.

Moreover, the independent claims specify that the database is a database of data structures useable to form an object-oriented element from a data structure corresponding to a source code. Support for this can be found in paragraphs [0107], and [0111]-[0114] in the original specification of the present invention. The database of data structures is different than "database" of Hicks as identified by the Examiner. The Hicks "database" is not a database of data structures useable to form an object-oriented element from a data structure. Instead, the Hicks "database" is simply an entity recording information about a native program code for a particular platform at the time of program execution. The Applicant's database contains source code data structures useable to form object-oriented elements. The "database" of Hicks is not useable to form object-oriented elements for a software development tool. Therefore, the database of the present invention is novel and non-obvious over the "database" of Hicks.

CONCLUSION

In view of the foregoing amendments and for the above reasons, it is believed that this application is now in condition for allowance. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,

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